

Inventors: Maurizio Zanetti  
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Group III: Claims 22-26, directed to a nucleic acid molecule encoding an immunoglobulin molecule;

Group IV: Claims 29-32, directed to a method of treating a condition utilizing a nucleic acid molecule targeted to a hematopoietic cell;

Group V: Claims 33, directed to a method of treating a condition utilizing a nucleic acid molecule encoding a hormone.

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicant elects the claims of Group I, claims 1-9 and 12-17, for examination. Applicant reserves the right to pursue prosecution of the non-elected claims in a later-filed application claiming the benefit of priority of the above-identified application.

The Restriction Requirement is traversed with respect to the division of the claims of Group I from the claims of Group II. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. Specifically, claims of groups I and II are directed to methods for stimulating an immune response by administering to a lymphoid tissue a nucleic acid molecule containing an expression element linked to a nucleic

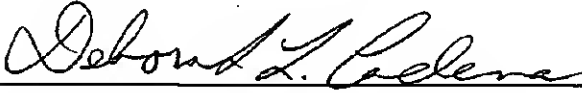
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acid sequence encoding one or more heterologous epitopes. Thus, a search of the claims of Group I will, of necessity, reveal information relevant to the examination of the claims of Group II and, therefore, division of the claims into these groups would result in duplicative searches. In addition, the classification of the claims of Groups I and II in the same class (class 435) further supports Applicant's position that division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group I together with the claims of Groups II should not be an undue burden on the Examiner.

Applicant elects the claims of Group I, claims 1-9 and 12-17, for examination and respectfully requests that the Restriction Requirement be reconsidered and that the claims of Group I be examined with the claims of Group II. The Examiner is invited to call Cathryn Campbell or the undersigned agent if there are any questions.

Respectfully submitted,

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Date

  
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